

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Patrick A. Aliffi *et al.*
Ser. No. : 10/021,468
Filing Date : October 29, 2001
For : SYSTEM AND METHOD FOR FACILITATING
RECIPROCATIVE SMALL BUSINESS
FINANCIAL INFORMATION
Examiner : Mamon A. Obeid
Art Unit : 3621
Atty. Docket : E0019/258247

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Communication Regarding Patent Term Adjustment (PTA)
Indicated in Notice of Allowance

Sir:

1. A Notice of Allowance was mailed on October 30, 2008 for the present application. One of the attachments to the Notice of Allowance was a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) that indicated that the total PTA to date is 795 days. It is believed that this total is erroneous and that the correct total PTA to date is 1633 days.

2. The determination of the total PTA of 795 days is erroneous because the US Patent & Trademark Office failed to account for one additional Patent Office delay. The PTO delay periods should have their days added together in accordance with the reasoning in *Wyeth et al. v. Dudas*, No. 07-1492 (D.D.C. September 30, 2008). The number of PTA credits of 876 days for PTO delay under 35 U.S.C. § 154(b)(1)(A) and 37 C.F.R. § 1.702(a)(1) that is set forth on the enclosed PTA History (Exhibit A) is correct, however, it only accounts for one of the delays of the PTO. The other delay

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this submission is being filed via EFS
Web with the U.S. Patent and Trademark Office on January 30, 2009.

/s/Angela M. Rossi/
Angela M. Rossi

warrants an additional PTA credit of 797 days for PTO delay under 35 U.S.C. § 154(b)(1)(B) and 37 C.F.R. § 1.702(b). Because these two periods of delay do not overlap, Applicants are entitled to the sum of these two periods. Accordingly, a total PTA credit of 1673 days (*i.e.*, 876 days + 797 days) is appropriate based upon the PTO delay. The total number of PTA debits of 40 days for applicant delay that is set forth on the enclosed PTA History (Exhibit A) is correct. Thus, the correct total PTA to date is 1633 days (*i.e.*, 1673 days – 40 days).

Thus, Applicants believe that the total PTA credit for PTO delay is 1673 days, the total PTA debit for applicant delay is 40 days, and the total PTA under § 1.703(f) is 1633 days.

3. In accordance with 1.705(b), this application for patent term adjustment is filed no later than the payment of the issue fee but after the date of mailing of the notice of allowance.

4. The following statements are required by 37 C.F.R. § 1.705(b)(2)(i).

- i) The correct total PTA credit is 1673 days.
- ii) The basis for the 876 days PTA credit is under §§ 1.702(a)(1) is due to the PTO's failure to mail a notification under 35 U.S.C. § 132 or a notice of allowance within 14 months of the application's filing date. The basis for the 797 days is under § 1.702(b) and is due to the PTO's failure to issue a patent within three years of the filing date.

5. The following statements are required by 37 C.F.R. § 1.705(b)(2)(ii).

- i) The relevant dates as specified in § 1.703(a) for one part of the PTA credit are as follows:

(a) The date of December 30, 2002, which is the date that is the day after fourteen months after the date on which the application was filed under 35 U.S.C. § 111(a). Thus, this period of delay runs from December 30, 2002 to May 23, 2005. This period of delay is 876 days.

Thus, the total period of delay for this part of the PTA credit is 876.

- ii) The relevant dates as specified in § 1.703(b) for the other part of the PTA credit are as follows: the date of October 30, 2004, which is the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) and the date of January 4, 2007, which is the date that a request for continued examination of the application under 35 U.S.C. § 132(b) was filed. Thus, the period of delay runs from October 30, 2004 to January 4, 2007 on which the request for continued examination was filed.

Thus, the total period of delay for this part of the PTA credit is 797 days.

- iii) The total PTA under § 1.703(f) is 1633 days, which is the total PTA credits for PTO delay of 876 days plus 797 days less the total PTA debits for applicant delay of 40 days.

6. Any patent granted on this application is not subject to a terminal disclaimer. See 37 C.F.R. § 1.705(b)(2)(iii).

7. The following statements are required by 37 C.F.R. § 1.705(b)(2)(iv)(A):

- i) The Information Disclosure Statement filed September 2, 2005 was filed after the initial response and is considered a supplemental reply. Under § 1.704(b)(8), the period of adjustment for delay associated with this reply begins on the day of filing of the Response on August 23, 2005 and ends on the date the Information Disclosure Statement was filed. Thus, the period of delay runs from August 23, 2005 to September 2, 2005. This period of delay is 10 days.
- ii) The Request for Continued Examination filed January 4, 2007 was filed after the three month period for filing a response.

Under § 1.704(b), the period of adjustment for delay associated with this reply begins on the day after the date that is three months after the date of mailing of the Office Action on September 5, 2006 and ends on the date the reply was filed. Thus, the period of delay runs from December 6, 2006 to January 4, 2007. This period of delay is 30 days. Thus, the total period of delay for applicant delay is 40 days (10 days + 30).

The Commissioner is authorized to charge the firm's credit card in the amount of \$200.00 pursuant to 37 CFR 1.18(e). The Commissioner is authorized to charge any additional fees that may be due or credit any overpayment to Deposit Account No. 11-0855. If there are any issues concerning this Communication that can be resolved via a telephone communication, the Office is invited to contact the undersigned.

Respectfully submitted,

/Jason D. Gardner 58180/

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Encl.: Exhibit A - Copy of PTA History for Application No. 10/021,468 printed from PAIR on January 21, 2009

EXHIBIT A.

10/021,468	SYSTEM AND METHOD FOR FACILITATING RECIPROCATIVE SMALL BUSINESS FINANCIAL INFORMATION EXCHANGES	01-21-2009:09:10:48
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/021,468

Filing or 371(c) Date:	10-29-2001	USPTO Delay (PTO) Delay (days):	893
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	98
Post-Issue Petitions (days):	+0	Total PTA (days):	795
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
10-30-2008	Mail Notice of Allowance		
10-27-2008	Document Verification		
10-27-2008	Examiner's Amendment Communication		
10-27-2008	Notice of Allowance Data Verification Completed		
08-21-2008	Date Forwarded to Examiner		
08-21-2008	Date Forwarded to Examiner		
08-15-2008	Request for Continued Examination (RCE)		58
08-21-2008	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		↑
08-15-2008	Request for Extension of Time - Granted		↑
08-15-2008	Workflow - Request for RCE - Begin		↑
03-06-2008	Miscellaneous Incoming Letter		↑
02-29-2008	Miscellaneous Incoming Letter		↑
03-18-2008	Mail Final Rejection (PTOL - 326)	17	
03-14-2008	Final Rejection	↑	
03-05-2008	Case Docketed to Examiner in GAU	↑	
03-05-2008	Mail Appeals conf. Proceed to BPAI	↑	
02-28-2008	Pre-Appeals Conference Decision - Proceed to BPAI	↑	
02-19-2008	Case Docketed to Examiner in GAU	↑	
12-26-2007	Request for Pre-Appeal Conference Filed	↑	
12-29-2007	Date Forwarded to Examiner	↑	
12-26-2007	Amendment/Argument after Notice of Appeal	↑	
11-26-2007	Notice of Appeal Filed	↑	
11-26-2007	Mail Advisory Action (PTOL - 303)	↑	
11-24-2007	Advisory Action (PTOL-303)	↑	
11-05-2007	Date Forwarded to Examiner	↑	
11-01-2007	Amendment after Final Rejection	↑	
09-24-2007	Mail Final Rejection (PTOL - 326)		
09-12-2007	Final Rejection		
07-10-2007	Date Forwarded to Examiner		
07-03-2007	Response after Non-Final Action		

04-04-2007	Mail Non-Final Rejection	
03-26-2007	Non-Final Rejection	
11-06-2006	Information Disclosure Statement considered	
01-09-2007	Miscellaneous Incoming Letter	
01-13-2007	Date Forwarded to Examiner	
01-13-2007	Date Forwarded to Examiner	
01-04-2007	Request for Continued Examination (RCE)	30
01-13-2007	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	↑
01-04-2007	Request for Extension of Time - Granted	↑
01-04-2007	Workflow - Request for RCE - Begin	↑
12-11-2006	Mail Advisory Action (PTOL - 303)	↑
12-04-2006	Advisory Action (PTOL-303)	↑
11-06-2006	Reference capture on IDS	↑
11-06-2006	Information Disclosure Statement (IDS) Filed	↑
11-06-2006	Information Disclosure Statement (IDS) Filed	↑
11-16-2006	Date Forwarded to Examiner	↑
11-06-2006	Amendment after Final Rejection	↑
11-06-2006	Request for Foreign Priority (Priority Papers May Be Included)	↑
09-05-2006	Mail Final Rejection (PTOL - 326)	↑
08-28-2006	Final Rejection	
06-23-2006	Date Forwarded to Examiner	
06-20-2006	Response after Non-Final Action	
04-28-2006	Case Docketed to Examiner in GAU	
03-20-2006	Mail Non-Final Rejection	
03-10-2006	Non-Final Rejection	
09-02-2005	Information Disclosure Statement considered	
02-14-2005	Information Disclosure Statement considered	
01-13-2006	Date Forwarded to Examiner	
01-10-2006	Response to Election / Restriction Filed	
01-10-2006	Request for Extension of Time - Granted	
11-04-2005	Mail Restriction Requirement	
11-02-2005	Requirement for Restriction / Election	
09-02-2005	Reference capture on IDS	
09-02-2005	Information Disclosure Statement (IDS) Filed	10
09-02-2005	Information Disclosure Statement (IDS) Filed	
09-01-2005	Date Forwarded to Examiner	↑
08-23-2005	Response after Non-Final Action	↑
05-23-2005	Mail Non-Final Rejection	876
05-19-2005	Non-Final Rejection	↑
05-13-2005	Case Docketed to Examiner in GAU	↑

02-14-2005	Reference capture on IDS	↑
02-14-2005	Information Disclosure Statement (IDS) Filed	↑
02-14-2005	Information Disclosure Statement (IDS) Filed	↑
05-10-2004	IFW TSS Processing by Tech Center Complete	↑
05-29-2002	Case Docketed to Examiner in GAU	↑
04-23-2002	Case Docketed to Examiner in GAU	↑
03-29-2002	Application Dispatched from OIPE	↑
03-20-2002	Application Is Now Complete	↑
02-12-2002	Additional Application Filing Fees	↑
02-12-2002	Small Entity Statement (37 CFR 1.27)	↑
02-12-2002	Applicant has submitted new drawings to correct Corrected Papers problems	↑
01-15-2002	Corrected Paper	↑
12-31-2001	IFW Scan & PACR Auto Security Review	↑
10-29-2001	Initial Exam Team nn	↑

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